

Practitioner's Docket No. BUG 2 0147**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**☒ In re application of: Alberto Leardini et al.

Application No.: 10/019,994 Group No. Unknown

Filed: November 9, 2001 Examiner: Unknown

For: A PROSTHESIS DEVICE FOR HUMAN ARTICULATIONS, IN PARTICULAR  
FOR THE ANKLE ARTICULATION☐ Patent No.: Issued:

*\*NOTE: Insert name(s) of inventor(s) and title also for patent. Where the refund request is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.*

**Assistant Commissioner for Patents****Washington, D.C. 20231****ATTENTION: Refund Section, Accounting Division, Office of Finance****REQUEST FOR REFUND****(37 C.F.R. § 1.28(a))**

*NOTE: 37 C.F.R. § 1.28(a): "(a) Refunds based on later establishment of small entity status. A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee."*

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

**(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)**

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231**37 C.F.R. § 1.8(a)****37 C.F.R. § 1.10 \***☒ with sufficient postage as first class mail.☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Signature

Georgeen B. George

(type or print name of person certifying)

Date: January 18, 2001

*\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

## I. SUBMISSION OF SMALL ENTITY ASSERTION

(complete (a) or (b))

- (a) ☒ Attached is an assertion of small entity status in this application.  
(b) ☐ An assertion of small entity status was filed in this application on \_\_\_\_\_

## II. REFUND REQUEST

NOTE: 37 C.F.R. § 1.28(b)(1): "(b) Date of payment. (1) The three-month period for requesting a refund, pursuant to paragraph (a) of this section, starts on the date that a full fee has been paid. . ."

This request for refund is made within three months of the date the full fee was paid in this application on November 9, 2001, in the amount of \$ 974.00.

NOTE: If the fee was changed to a deposit account, a request for refund must be filed within two months of the date of the change to the deposit account.

## III. FEE PAID FOR WHICH REFUND REQUESTED

### AMOUNT OF REFUND REQUESTED

☒ Filing fee \$ 487.00

☐ Surcharge for filing the basic filing fee on a date later than the filing date of the application  
(37 C.F.R. § 1.16(e) or 37 C.F.R. § 1.16(l)). \$ \_\_\_\_\_

or

☐ Surcharge for filing the oath or declaration on a date later than the filing date of the application  
(37 C.F.R. § 1.16(e)) \$ \_\_\_\_\_

☐ Surcharge for filing the basic filing fee on a date later than the filing date of the provisional application  
(37 C.F.R. § 1.51(c)(1) and 37 C.F.R. § 1.16(l)) \$ \_\_\_\_\_

or

☐ Surcharge for filing the cover sheet on a date later than the filing date of the provisional application  
(37 C.F.R. § 1.51(c)(1) and 37 C.F.R. § 1.16(l)) \$ \_\_\_\_\_

☐ Extension of term \$ \_\_\_\_\_

☐ Issue fee \$ \_\_\_\_\_

☐ Patent maintenance fee

☐ first maintenance fee \$ \_\_\_\_\_

☐ second maintenance fee \$ \_\_\_\_\_

☐ third maintenance fee \$ \_\_\_\_\_

☐ Patent maintenance fee surcharge.

NOTE: The refund provisions of § 1.28(a), for later submitted small entity statements, apply to maintenance fees. Notice of July 30, 1984, 1046 O.G. 28-37.

☐ Other \$ \_\_\_\_\_

**TOTAL REFUND REQUESTED** \$ 487.00

Request for Refund [7-9]—page 2 of 3)

#### IV. MANNER OF REFUND

Please make refund by crediting:

- ☒ Deposit Account No. 06-0308
- ☐ Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should *not* be included on this form as it may become public.

- ☒ refunding overpayment.

*St. N. 1/4 Jan 19, 2002*

Signature of Practitioner

Reg. No.: 37,841

Steven M. Haas

(type or print name of practitioner)

Tel. No.: (216) 861-5582

Fay, Sharpe, Fagan, Minnich & McKee, LLP

P.O. Address

Customer No.:

1100 Superior Avenue, Seventh Floor  
Cleveland, Ohio 44114-2518

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Alberto Leardini et al.  
FOR : **A PROSTHESIS DEVICE FOR  
HUMAN ARTICULATIONS, IN  
PARTICULAR FOR THE ANKLE  
ARTICULATION**  
SERIAL NO. : 10/019,994  
FILED : November 9, 2001  
EXAMINER : Unknown  
ART UNIT : Unknown  
ATTORNEY DOCKET NO. : BUG 2 0147

Cleveland, Ohio 44114-2518  
January 18, 2002

**37 C.F.R. 1.27 STATEMENT OF STATUS AS A SMALL ENTITY**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

The undersigned attorney of record declares that this application is entitled to "small entity status" as defined in 37 C.F.R. §1.27.

By: Steven M. Haas  
Steven M. Haas  
Reg. No. 37,841  
Attorney of Record

Date: January 18, 2002

**CERTIFICATE OF MAILING**

I hereby certify that this **STATEMENT OF STATUS AS A SMALL ENTITY** in connection with the above identified U.S. Patent Application is being deposited with the United States Postal Service and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on January 18, 2002.

Georgene B. George  
Georgene B. George

ATTENTION ATTENTION ATTENTION

#3

Date Processed:

☐

ACH Payment

PCT  
National

Attached Is The Most Current ACH Information

☐

Treasury Check

The Most Current ACH Information Was

Requested From This Customer With The Purpose Of

Processing His Refund Request By Electronic Fund

Transfer (EFT). No EFT Information Was Received.

Therefore, If Customer Is Due A Refund:

A Check Will Be Issued.

☒

Credit To Deposit Account

10/019,994

RS

This Request for Refund Will Be Processed By Crediting Deposit  
Account Number 06-0308, If Customer Is Due A Refund.

ATTENTION ATTENTION ATTENTION